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Attorney Docket No. 21402-018DIV (Cura-318DIV)

19249 U.S.P.T.O.  
10/613105  
07/02/03

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS:

Rastelli *et al.*

FOR:

*Method of Detecting Inflammatory Lung Disorders*

July 2, 2003  
Boston, Massachusetts

### MAIL STOP PATENT APPLICATION

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

### REQUEST FOR FILING A CONTINUING UTILITY APPLICATION UNDER 37 C.F.R. §1.53(b)

1. This is a request for filing a continuing application under 37 C.F.R. §1.53(b).  
(Check the appropriate boxes and supply the requisite information)

This application is a:

Continuation;  Divisional;  Continuation-in-part of prior application U.S.A.N. 09/865,812.

2. Priority to the above application(s) is claimed under:

35 U.S.C. §120

Prior application information:

Examiner: Karen A. Lacourciere; Group Art Unit: 1635.

35 U.S.C. §119

Priority of application Serial No. \_\_\_\_\_, filed on \_\_\_\_\_ in \_\_\_\_\_ is claimed under 35 U.S.C. §119.

The certified copy has been filed in prior application U.S.S.N. \_\_\_/\_\_\_, \_\_\_ on [Date].

The certified copy will follow.

### APPLICATION ELEMENTS:

3.  Specification and Drawings (Total pages: 30):

Specification (25 pages); Claims (1 page); Abstract (1 page); and Drawings: 3 sheets; FIGS.1-3.

Formal

Informal

4.  Nucleotide and/or Amino Acid Sequence Submission:

*Computer-readable Copy:* The computer-readable copy of the Sequence Listing in the instant application is to be identical to that filed in application U.S.S.N. 09/685,812, filed May 25, 2001. In accordance with 37 C.F.R. § 1.821(e), please use the computer-readable form filed in that application as the computer-readable form for the instant application. It is understood that the Patent and Trademark Office will make the necessary change in app\

lication number and filing date for the instant application.

*Paper Copy:* A paper copy of the Sequence Listing is included in the copy of the originally-filed specification of the instant application.

5.  Microfiche Computer Program (*Appendix*)

INVENTOR:

Rastelli *et al.*

Request for Continuing (Divisional) Nonprovisional Application (37 C.F.R. §1.53(b))

6.  Oath or Declaration (Total pages: 3):

(a)  Newly executed (original)  
(b)  Copy from a prior application (37 C.F.R. §1.63(d))

7.  Incorporation by Reference (*can use if Box 6(b) is checked*)

The entire Disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 6(b), is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

**ACCOMPANYING APPLICATION PARTS:**

8.  English Translation Document (*if applicable*)

9.  Information Disclosure Statement (IDS)

Copy of IDS and PTO-1449, filed April 30, 2003 (4 pages)  
 Copy of IDS and PTO-1449, filed December 3, 2001 (2 pages)  
 Copies of references cited

10.  Reassertion of Small Entity Status (37 CFR 1.27(c)(4))

Small Entity status was claimed in the parent application, and is still proper and desired under 37 CFR 1.27(c)(4).

11. Fee Calculation:

A Preliminary Amendment is enclosed herewith. Please enter the claim amendments prior to calculating the filing fee.

CLAIMS AS FILED					
Claims	Number Filed	Basic Fee Allowance	Number Extra	Rate	37 C.F.R. 1.16(a) \$750.00
Total Claims (37 C.F.R. 1.16(c))	8	– 20 =	0	\$18.00	\$0.00
Independent Claims (37 C.F.R. 1.16(b))	2	– 3 =	0	\$84.00	\$0.00
Multiple Dependent Claim(s), if any (37 C.F.R. 1.16(d))				\$280.00	\$0.00
				SUBTOTAL:	\$750.00
				Reduction by 50% for filing by small entity:	\$375.00
				<b>TOTAL FEE:</b>	<b>\$375.00</b>

12.  A check (#16610) in the amount of **\$375.00** is enclosed.

13.  Deletion of Inventor(s)

This application is filed by fewer than all the inventors named in the prior application, 37 C.F.R. §1.53(d)(4).

DELETE the following inventor(s) named in the prior nonprovisional application:

The inventor(s) to be deleted are set forth on a separate sheet attached hereto.

14.  The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. 50-0311, Ref. No. 21402-018DIV. 21402-018DIV.

Fees required under 37 C.F.R. §1.16;  
 Fees required under 37 C.F.R. §1.17;  
 Fees required under 37 C.F.R. §1.18.

INVENTOR:

Rastelli *et al.*

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15.  Return Receipt Postcard Enclosed.

Respectfully submitted,

  
Ivor R. Elififi, Reg. No. 39,529

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Dated: July 2, 2003

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PATENT TRADEMARK OFFICE